

**AN ORDINANCE AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL BY UPDATING ARTICLE 2.01, GENERAL PROVISIONS; ARTICLE 2.02 IMPOUNDMENT; ARTICLE 2.04 REGISTRATION OF DOGS AND CATS; ARTICLE 2.05 DANGEROUS DOGS ARTICLE 2.06 DANGEROUS WILD ANIMALS; SECTION 8.07 PROHIBITED NOISE; AUTHORIZING AN AMENDMENT TO APPENDIX A FEE SCHEDULE; PROVIDING FOR REPEALING, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, it is necessary to amend the City of Leon Valley Code of Ordinances to provide guidance for the possession of domesticated animals in Leon Valley; and

**WHEREAS**, it is also necessary to properly define what constitutes an animal nuisance within Leon Valley; and

**WHEREAS**, it is desired to regulate the number of domestic animals that may be kept on a property located in Leon Valley; and

**WHEREAS**, it is proper to codify the Trap, Neuter, and Return (TNR) program within the code of ordinances for the City of Leon Valley; and

**WHEREAS**, it is prudent to create a Feral Cat Colony Permit for the proper regulation and oversight on feral cat colonies; and

**WHEREAS**, it is desired to create an Excess Animal Permit for the proper regulation and oversight on feral cat colonies; and

**WHEREAS**, it is necessary to create ordinances to provide for the well-being of domestic animals within the City of Leon Valley; and

**WHEREAS**, it is now the desire of City Council to amend Chapter 2 Animal Control of the City of Leon Valley Code of Ordinances as detailed below;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:**

---

**Section 1.** The City of Leon Valley Code of Ordinances, Chapter 2, Animal Control is hereby amended as follows:

**CHAPTER 2  
ANIMAL CONTROL  
ARTICLE 2.01 GENERAL PROVISIONS**

**Sec. 2.01.001 Definitions**

As used in this chapter:

*Abandoned animal.* Any animal that has been deprived of any of the necessities of life, including air, food, water, medical care, exercise and/or shelter. Abandoned animal shall

also mean an animal abandoned while in the person's custody without making reasonable arrangements for assumption of custody by another person.

**Animal.** Any living vertebrate or invertebrate, domestic or wild, not including man.

**Animal control/rescue facility.** The facility operated or contracted by the city for the impoundment, care, disposition and/or adoption of dogs, cats and/or other animals.

**Animal control officer.** A person designated by the state, or the city, who is qualified to perform such duties under the laws of this state and the ordinances of this city.

**Animal licensing.** The annual assignment by the city of a numbered tag to each animal for whom the appropriate fee has been paid and which animal has been vaccinated with anti-rabies vaccine according to the regulations of the Texas Health and Safety Code, section 826.014 [826.021 et seq.], for which the animal license has been issued.

**Animal nuisance.** A public nuisance created within the corporate limits of the city by the listed acts or omissions of animal owners.

**Animal permit hearing officer.** The individual designated by the director to conduct administrative hearings to review the denial and revocation of excess animal permits authorized by this chapter provided that such person shall not have participated in any investigation of facts regarding the denial or revocation or be in the chain of command of any such person.

**Bridle.** A leather device designed to fit over the head and beak of a cock to prevent the cock from injuring another cock.

**Cat.** Both the male and female of the species *Felis catus*.

**Cat colony.** A colony of free-roaming (homeless, stray, wild or untamed) cats that has been registered with the department and is maintained by a colony caretaker (who provides food, water and shelter) using trap, neuter and return methodology.

**Choker collar.** A length of chain or nylon cord or rope with rings at either end such that the collar can be formed into a loop around the animal's neck that slips (adjusts) tighter when pulled and slips looser when tension is released.

**City.** shall mean the City of Leon Valley, Texas.

**Cock.** The male of any type of domestic fowl.

**Cockfight.** A contest wherein fowl are set against one another with the intention that they engage in combat.

**Commercial boarding kennel.** Any place other than a veterinary hospital where the property owner, tenant, or occupant keeps or allows others to keep or board any domestic animal for a fee, donation or non-monetary reward.

**Competition animal.** A cat or dog that is of a breed recognized by and registered with an approved breed registry approved by the department and shows or competes in animal shows or other competition events sponsored by an approved breed registry.

**Confined.** A situation by which an animal is effectively prevented from being free to roam or run at large at will.

**Coop and run.** A fully enclosed and predator-resistant cage or a pen used to confine domestic fowl within a designated location. The coop and run shall have roosts approximately eighteen to twenty-four (18-24) inches from the ground with at least six (6) square feet of enclosed cage per bird. The enclosure includes a roof over at least some of the coop.

**City veterinarian.** Any veterinarian who is under contract with the city.

**Dangerous animal.** Any animal that meets any or all of the following criteria:

- (1) An animal which, by species or nature, is vicious or dangerous to man;
- (2) An animal that has bitten two (2) or more people or one (1) person on two (2) or more occasions;
- (3) An animal that has killed a person or another pet or livestock animal; and/or
- (4) An animal that has attacked a human being and the nature of the attack or the resulting injury was such as might endanger the life or permanent health of the human.

**Department.** Shall mean the City of Leon Valley's Police Department.

**Director.** Shall mean the director of the City of Leon Valley's Police Department or designee.

**Domestic dog.** A member of *Canis familiaris* which is not a hybrid of *Canis familiaris* and another canine species adapted to life in association with humans.

**Domestic animal.** Any animal which is not prohibited, and commonly kept as pets at the owner's residence, including but not limited to domestic cats and dogs, domestic ferrets, rabbits, and domestic fowl.

**Domestic cat.** Any member of *Felis domesticus* adapted to life in association with humans.

**Domestic fowl.** Birds of a breed developed or kept for the purpose of meat production, egg laying or purely for ornament or show, including but not limited to ducks, geese, chickens, turkeys, partridges, guinea fowl, quail, pheasant, doves, parakeets and pigeons.

**Dubbing.** The procedure of removing the comb, wattle, and sometimes earlobes of a game fowl.

**Enclosure (canines).** For purposes of dangerous dogs, a house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must also have minimum dimensions of five (5) feet by ten (10) feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure

sides to prevent the dangerous animal from escaping from the enclosure. The structure/pen shall provide protection from the elements for the dangerous animal. Notwithstanding the fence height restrictions of section 6-2, the animal care officer shall have the right to require that the fence be higher than six (6) feet or require a secure top and/or bottom be added to the structure/pen if the need is demonstrated. These additional requirements shall be based upon the type of animal to be kept in this enclosure and its anticipated ability to escape.

Gaff. An artificial steel spur designed to attach to the leg of a cock to replace or supplement the cock's natural spur.

Game fowl. A bird of any of various strains of domestic feral fowls developed chiefly for the intent of fighting or used in the act of cockfighting.

Grooming shop. shall mean a commercial establishment (structure or vehicle) where animals are bathed, clipped, plucked or otherwise groomed.

Housing space. shall mean the amount of confined space a pet has regular access to throughout the day to walk, run, play, eat and rest. This can include inside the home, if it is regularly accessible to the pet, and within an exterior fenced area within the owner's property. It shall not include any space where the animal can get on or off the property by its own free will.

Impound. The placing of an animal in the city's animal control facility, or the taking into custody of an animal for purposes of transportation to the city's animal control facility.

Keeper. Any person, firm, corporation, organization or department holding, caring for, having an interest in, or having control or custody of an animal. If the keeper of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal care related ordinances.

Livestock. Any equine, hog, sheep, goat, llama, or any bovine species, (including but not limited to the following: horse, mule, jack, jennet, cattle, sheep, goat, swine or other large animal).

Local health authority. The animal control officer of the city.

Nondomestic animal. Includes all animals other than domestic cats and dogs, domestic ferrets, livestock, rabbits and domestic fowl.

Owner. Any person who harbors or keeps, or causes or permits to be harbored or kept, or has an animal in his care or custody, or permits an animal to remain on or about his premises.

Performing animal exhibition. Any spectacle, display, act or event, other than circuses and rodeos, in which performing animals are used.

Pet. An animal kept for pleasure or enjoyment, rather than utility or commercial purposes.

Pet shop. A business establishment, whether licensed or not by the department, where animals including dogs, cats, fish, birds, reptiles, or rodents are kept for sale or

commercial barter.

Poisonous. An animal that is capable of causing death or illness if their fluids are taken into the body.

Puppy. Any member of *Canis familiaris* and other canine species four (4) months of age or under

Prohibited animals. The below listed animals may not be owned or brought into the City of Leon Valley:

- (1) Any ape or other non-human primate;
- (2) Any member of the genus *Canis* including wolf, hybrid wolf, coyote, jackal or fox, and similar species except *Canis familiaris*;
- (3) Any member of the genus *Felis* including leopard, lion, panther, tiger, lynx, bobcat, cheetah, ocelot, margay, jaguarundi, and any similar species except *Felis domesticus*;
- (4) Mustelids; other than the domestic ferret (*Mustela putorius furo*);
- (5) Skunk;
- (6) Any venomous or poisonous reptile or venomous species except bees;
- (7) Crocodile, alligator, caiman or related species;
- (8) Swine with the exception of miniature pigs (see section 2.01.015);
- (9) Ostrich or any other Ratites;
- (10) Bear; and
- (11) All other mammals that live in a natural state of undomesticated freedom including the opossum, raccoon, armadillo and squirrel.

Quarantine. The detention or isolation of an animal suspected of carrying an infectious or contagious disease.

Rabies vaccination. A protective inoculation against rabies with an anti-rabies vaccine recognized and approved by the United States Department of Agriculture, given in an amount sufficient to provide an immunity against rabies for a period that satisfies the requirement of state law.

Registered microchip. shall mean an identification chip implanted under the skin of an animal for the purpose of identifying its owner or keeper which has been registered with a microchip registration company with current ownership information to include the current owner's or keeper's name, address, and telephone number (if available), and the description of the animal.

Rescue group. shall mean a formal animal care organization whose declared mission is to take and care for unwanted, abandoned, abused or stray pets and attempt to find suitable homes for them.

**Restraint.** shall mean a situation whereby an animal is secured by a tether, a leash or a lead, or is confined within the real property of its owner.

**Responsible person.** shall mean a person who owns the animal, or to whose commands an animal in question is obedient, and who is capable of controlling the animal if the animal should fail to obey such commands.

**Roam.** To be free of restraint while inside or outside the boundaries of the real property of the owner.

**Roosts.** shall mean bars where domestic fowl perch at night inside a coop and run.

**Rooster.** shall mean the male of any type of chicken.

**Run at large.** To be free of restraint while outside the boundaries of the real property of the owner.

**Selling of animals.** The permanent change of ownership resulting from the exchange of money, services or goods.

**Severe injury.** Any physical injury that results in death, broken bones or disfiguring lacerations requiring sutures or surgery.

**Shelter.** A clean and sturdy structure with a roof and three (3) sides and a fourth side allowing access that is protected from the elements and a floor that is elevated enough to keep the shelter dry. A shelter shall provide protection from rain, hail, sleet, snow, and subfreezing temperatures and must be large enough to allow the dog or animal to stand erect, sit, turn around and lie down in a normal manner.

**Slasher.** A steel weapon resembling a curved knife blade designed to attach to the foot of a cock.

**Spur.** A sharp horn-like protrusion that can grow on the legs of fowl.

**Stray animal.** Any animal not under restraint.

**Tagged.** Any animal which has a current city animal license.

**Temporary owner.** An individual who finds a stray animal, has the animal for fewer than fifteen (15) days, and attempts to find the true owner of the animal, including notifying the Animal Control Officer of the city of the circumstances of finding the animal. When the owner cannot be found, a temporary owner may keep or find a new home for the animal.

**Trap, Neuter and Return (TNR) Program.** A nonlethal, humane alternative to deal with stray cats which are captured, altered and returned back to their location in order to encourage the stabilization of the free-roaming cat population in the city.

**Trapped animal.** An animal caught or taken in, as if in a trap or snare by skill, craft or trickery.

**Unprovoked animal attack.** An offensive attack by an animal that excludes circumstances in which immediately prior to the attack, and while properly confined and restrained:

- (1) The animal was taunted, teased or abused or otherwise assaulted by a person(s) or another animal- this includes being hit, kicked or struck, pulled, pinched, stepped on, squeezed, or bit by a person or other animal with any object or body part.
- (2) While properly restrained, the animal was defending or protecting a person(s) or property from a person(s) or another animal trespassing or committing a crime on the premises or property occupied by the owner.
- (3) The animal was protecting itself or its offspring.

Unrestrained. shall mean a situation where an animal is found to be without physical restraint provided in the form of a barrier such as a fence, tether or leash providing positive control of the animal and inhibiting the animal from getting off the occupant's property or away from physical control by the owner/keeper.

Vaccination certificate. A document showing on its face that the animal described thereon has received a current inoculation of anti-rabies vaccine in an amount sufficient to produce an immunity that satisfies the requirement of state law, inscribed with the date of the inoculation, the duration of immunity approved for that vaccine, and the name and address of the animal's owner, all other information required by state law, and signed by a licensed veterinarian.

Venomous. shall mean capable of injecting venom by means of a bite or sting.

Veterinarian. A person licensed to practice veterinary medicine in the state of Texas.

Veterinary hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis of and treatment of diseases and injuries of animals.

Vicious animal. An animal which habitually or repeatedly without provocation chases, snaps at, attacks or bites any person or domestic animal.

Wild animal. Any nonhuman primate, raccoon, skunk, fox, wolf, leopard, panther, tiger, lion, lynx, bobcat, or other warm-blooded animal, or any poisonous or dangerous snake which can be found in an untamed state.

Zoological park. shall mean any facility, other than a pet shop or commercial boarding kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person or government agency.

## **Sec. 2.01.002          General regulations as to care, keeping and using of animals**

Every owner, caretaker or user of any animal shall observe the following rules in connection with the care, keeping and using of the animal, and any person violating any provisions of this section shall be deemed guilty of an offense:

- (a) The owner, caretaker or user shall feed all animals in their care with a quantity of good, wholesome food sufficient to keep the animals in a good, well-nourished condition, and shall serve the food in a clean, sanitary manner.

- (b) The owner, caretaker or user shall provide each animal with pure, clean water in sufficient quantities at all times.
- (c) The caretaker, owner or user shall ensure that each animal receives adequate grooming, treatment, transportation, and veterinary care when needed to prevent suffering or disease transmission.
- (d) The caretaker, owner, or user shall provide each animal sufficient and appropriate exercise for the requirements of the species.
- (e) No person may restrain a dog by a tether that:
  - (1) Is less than ten feet in length or five times the length of the dog measured from nose to the base of the tail, whichever is longer; or
  - (2) Due to the weight of the tether itself, causes injury or visible discomfort to the dog.
- (f) It is unlawful for any person to dye, stain or otherwise alter the natural color of any chicken, duckling, gosling or rabbit.
  - (1) It shall be a defense to prosecution under subsection (a) of this section that the animal was dyed or stained for commercial use or breeding purposes, for scientific, educational or governmental purposes or any other purpose not related to its being furnished or kept as a pet.
- (g) No person shall work or use an animal where there are any sores upon the animal's body, legs, head or shoulders.
- (h) The owner, caretaker or user shall ensure that all harness used on any work animal is properly fitted to the animal and is free from any wire, rivets, break, tear or anything else that will irritate or make sores on the animal.
- (i) No person shall hitch an animal to any wagon that is not well-greased or where the pole or the singletree is in such condition as may cause injury to the animal.
- (j) No person shall drive an animal drawing a wagon or other loaded vehicle faster than at a walk.
- (k) No person shall work or use a sick or crippled animal or lead or drive it on any street of the city.
- (l) No person shall run, or participate in the running, of any horse race in, along or across any public road, public square or public street in the city.
- (m) Cats that are allowed outdoors must be spayed or neutered.

### **Sec. 2.01.003 Animal nuisances**

The owner or keeper of any animal in the city is responsible for the behavior and conduct of that animal at all times including the creation of a public nuisance. Violations



of the following acts or omissions are public nuisances:

- (a) The owner or keeper shall ensure that the animal (except cats) does not run at large;
- (b) The owner or keeper shall not allow animals being held on their property to create a noise disturbance in such a manner, to annoy, distress or disturb within the vicinity of hearing thereof. For the purpose of this chapter, an animal noise nuisance shall be defined as a minimum of ten minutes of noise events over a period of one hour where the animal can be heard continuously one hundred (100) yards away, or behind the wall of a livable structure;
- (c) The owner or keeper shall prevent his animal from biting or injuring without provocation, any animal or person;
- (d) The owner or keeper shall prevent his animal from damaging or destroying public property or property other than its owner's private property;
- (e) The owner or keeper shall not keep more than the number of animals allowed under this chapter;
- (f) An owner or keeper creates an animal nuisance by the keeping, frequent feeding or harboring of any venomous or inherently dangerous or prohibited animal.
- (g) An owner or keeper creates an animal nuisance by the keeping, frequent feeding or harboring of more than three (3) feral cats on any one residential property, or four (4) feral cats on any one commercial property, or on the property of an owner in which they have not received permission.

**Sec. 2.01.004      Violations; penalty; additional remedies**

- (a) It shall be unlawful to do any act prohibited hereby and it shall be unlawful to fail to do or perform any act required hereby.
- (b) Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this chapter shall be fined an amount in accordance with Section 1.01.009 of this code.
- (c) Nothing in this section shall limit the remedies available to the city in seeking to enforce the provisions of this chapter.
- (d) The animal control officer, the code compliance (code enforcement) officer, or a city police officer may, at their discretion, issue a citation for any violation of this chapter.
- (e) Any person may, upon presentation of a duly executed affidavit stating the existence of an animal nuisance, as defined in this chapter, and identifying the name

and address of the owner or owners of such animal may request the city prosecutor to file a complaint in municipal court against the owner or owners of such animal under the provisions of this chapter. The filing of a complaint by the person may, based on evidence provided by the complainant, result in the issuance of a court summons to the owner or owners of the animal in question.

#### **Sec. 2.01.005            Interference with enforcement**

No person shall interfere with, hinder or molest any city employee in the performance of the employee's duties under this chapter. (1972 Code, sec. 4.305; 2008 Code, sec. 2.01.004)

#### **Sec. 2.01.006            Hearings**

(a)        A person aggrieved by an action of the city in amending, limiting, defining, suspending, or revoking any approval required by this chapter may request a hearing before the city manager or their appointed supervisory officer. A hearing must be requested in writing and filed with the city manager within ten (10) days of the protested decision or action, by the aggrieved party. If no such request is received, the decision or action of the animal control officer becomes final. Any decision should include the written opinion of the city veterinarian, when indicated.

(b)        Based on the recorded evidence of such hearing, the city manager, or a supervisory officer appointed to hold the hearing, shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the person requesting the hearing by the animal control officer or the city manager.

(1972 Code, sec. 4.323; 2008 Code, sec. 2.01.005)

#### **Sec. 2.01.007            Dogs or cats running at large**

(a)        Every owner of a dog or cat (**except feral cats**) and any person having charge, care, custody or control of any dog or **cat (except feral cats)** shall restrain such animal from running at large.

(b)        Any dog or cat running at large contrary to this chapter, or charged with viciousness by affidavit, or noticeably sick or injured and not in the care of an owner, may be impounded by the animal control officer or a police officer as provided in Section 2.02.001.

(c)        Any dog or cat so found running at large that cannot be safely taken up and impounded may be euthanized by the animal control officer or any police officer.

(1972 Code, sec. 4.301; 2008 Code, sec. 2.01.006; Ordinance adopting 2017 Code)

**State law reference**-Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

### **Sec. 2.01.008 Livestock running at large**

It shall be unlawful for the owner, or person in possession or control thereof, to permit livestock, as defined in this chapter, to run at large within the city limits, and such owner or person in possession of any such animal running at large will be guilty of a misdemeanor.

(1972 Code, sec. 4.302; 2008 Code, sec. 2.01.007)

**State law references**-Animals at large, V.T.C.A., Local Government Code, sec. 215.026; estrays, V.T.C.A., Agriculture Code, Ch. 142.

### **Sec. 2.01.009 Trapping animals**

(a) No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the local health authority of the city for the purposes of animal control, in or for the control of communicable disease. This section is not to be construed to include those traps designed to trap common rodents, i.e., rats, mice, gophers and groundhogs; provided, the owner is responsible for taking care that any of the aforementioned "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human. It shall be a prima facie violation of this section that the traps proscribed in this section were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(b) Humane traps used to capture dogs, cats, and other small animals alive shall be checked at least once every eight (8) hours by the individual setting the trap. Humane care shall be provided for any trapped animals, including the provision of food and water and protection from extremes of the environment, including heat, cold and precipitation. Trapped domesticated animals shall be turned over to the city's animal control officer or the animal's owner the next working day.

(c) Wild animals trapped by residents are not the responsibility of the city. Professional services should be contracted by the property owner to remove any wild animals from personal property.

(1972 Code, sec. 4.304; 2008 Code, sec. 2.01.008)

### **Sec. 2.01.010 Keeping horses and livestock**

(a) It shall hereafter be unlawful to keep a horse, or other livestock inside the city limits unless such is securely penned up in an enclosure which, at any given point thereof, shall be no less than one hundred fifty feet (150') from the nearest residence or residences on any adjacent property under other ownership or possession.

(1972 Code, sec. 4.315; 2008 Code, sec. 2.01.009)

(b) For the purpose of this section, a pen shall mean a fully enclosed space that is adequately sturdy to prevent the horse or livestock from being unrestrained. An owner must comply with the following:

1. The owner must have adequate facilities to house the animal(s) and ensure adequate sanitation.
2. The animal(s) must be kept housed or confined in a manner that does not allow them to create a nuisance.
3. All stables or other enclosures in which the animal is kept and the ground upon which the stable or enclosure is situated shall be maintained in a clean and sanitary condition, and all stables and fences surrounding each lot where the animal is kept and the feed troughs and water troughs, with which such animals are fed and watered, shall be free from any conditions that may injure the animal. All stables and enclosures shall contain adequate space for an animal relative to the animal's species, size, weight, and age and must allow the animal to stand upright without touching any part of the structure and to move around unencumbered.

#### **Sec. 2.01.011 Horseback riding**

(a) Horseback riding on any public street in the city which is either curbed, or has a sidewalk on one or both sides, or is both curbed and side walked, is hereby prohibited.

(b) Horseback riding on or across private property or premises without the express permission of the owner or tenant thereof, other than that owned or tenanted by the rider, is hereby prohibited.

(c) Horseback riding while participating in a lawful parade or as part of a police incident are exempt from this ordinance.

(1972 Code, sec. 4.316; 2008 Code, sec. 2.01.010)

#### **Sec. 2.01.012 Vicious animals**

Whenever an affidavit shall be made before the judge of the municipal court that any animal has bitten, or attempted to bite, or attacked, or attempted to attack, any person in a vicious manner in the city and it shall appear that the person so bitten or attempted to be bitten, or attacked, or attempted to be attacked, in a vicious manner as aforesaid was not at the time trespassing upon the property of the owner thereof and not otherwise at fault, then the judge of the municipal court shall, upon proof thereof, fine for each offense. The judge of the municipal court, where it is proven that such animal has bitten any person, may direct the owner of such animal to euthanize or remove such animal permanently beyond the city limits, and failure to do so within three (3) days thereafter shall constitute an offense hereunder.

(1972 Code, sec. 4.317; 2008 Code, sec. 2.01.011; Ordinance adopting 2017 Code)

**Sec. 2.01.013      Maximum number of animals**

(a) In residential areas of the city with lot sizes of less than one acre, a household may keep, shelter, maintain or harbor up to:

- a. A maximum number of four (4) cats or four (4) dogs or any combination up to four (4) total cats and dogs, **no more than 2 of which may be unsterilized**
- b. A total of six (6) animals of any combination of domestic dogs, cats, domestic fowl, snakes, rabbits, or any other approved animal in accordance with this code and other applicable building and zoning regulations

(b) In residential areas of the city with lot sizes of greater than or equal to one acre but less than two acres, a household may keep, shelter, maintain or harbor up to:

- a. A maximum number of four (4) cats or four (4) dogs or any combination up to four (4) total cats and dogs, **no more than 2 of which may be unsterilized**
- b. maximum number of ten (10) domestic fowl/rabbits
- c. maximum number of two (2) livestock animals as defined by this chapter.
- d. A total of ten (10) animals of any combination of domestic dogs, cats, domestic fowl, snakes, rabbits, or any other approved animal in accordance with this code and other applicable building and zoning regulations.

(c) In residential areas of the city with lot sizes of greater than or equal to two acres, a household may keep, shelter, maintain or harbor up to:

- a. A maximum number of four (4) cats or four (4) dogs or any combination up to four (4) total cats and dogs, **no more than 2 of which may be unsterilized**
- b. maximum number of ten (10) domestic fowl/rabbits
- c. maximum number of four (4) livestock animals as defined by this chapter.
- d. A total of twenty (20) animals of any combination of domestic dogs, cats, domestic fowl, snakes, rabbits, or any other approved animal in accordance with this code and other applicable building and zoning regulations.
- e. An additional five (5) total animals per additional acre over two acres.

(d) An adult animal is hereby defined as one over four (4) months of age.

(e) Anyone keeping, maintaining or harboring on his business or household premises more than the above allotted domestic dogs, cats, fowl, snakes, rabbits, or any other

approved animal in accordance with this code, shall be deemed to be operating a kennel, and must comply with requirements in this ordinance, as well as all city, county and state requirements for such operation, including registration and licensing required by this chapter.

(f) No household shall provide feed, water or shelter to more than three (3) feral cats at one residence. Additional feral cats may be removed by Animal Control or a citizen and the feral cat may be released at a city approved alternate location.

(1) The department has the right to immediately seize and remove all, or parts of any colony for the following reasons:

(i) Public health and public safety concerns including rabies, other epizootic and certain zoonoses identified by the department of health; or

(ii) Animals creating a public nuisance

(g) All domesticated animals must be currently vaccinated for rabies.

(h) Each animal must have access to shelter when housed outside.

(i) The owner of the animals must have adequate property or facilities to ensure they do not disturb any neighbors. Any outdoor facilities shall be subject to inspection by the department.

(j) Excess Animal Permit

1. In order to have more dogs or cats, or chickens than this chapter allows at a residence, an owner must apply for an excess animal permit which shall be valid for one year. The criteria used to evaluate the granting of an excess animal permit are as follows:

a. All dogs and cats for which a permit is required must be sterilized, unless the animal qualifies for a certified medical exception by a licensed veterinarian or is under four (4) months old.

b. Animals must be currently vaccinated for rabies.

c. All dogs & cats must have a registered microchip.

d. The dogs and/or cats must not be housed exclusively outside, and no more than two (2) dogs may be housed outside between the hours of 10:00 p.m. and 6:00 a.m.

e. The primary form of restraint for any dog shall not be tethering

f. Each dog must have access to its own shelter when housed outside.

g. All dogs and cats must have a photograph of each animal attached to an animal profile sheet that will be kept on record as verification of the

animals allowed in the permit. Rescuers with a rescue license or official fosters of licensed rescue group registered with the department shall be exempt from the photograph and profile sheet requirement for those animals that are temporarily being housed at the location for less than four months.

h. If the owner of the dogs and/or cats is not the owner of the property, the permission of the property owner must be obtained before a permit application will be processed.

i. A check will be made to determine if there are any previous valid complaints. A previous valid complaint can be grounds for the denial of a permit request.

j. The requestor must have adequate property or facilities to ensure the dogs and/or cats do not disturb any neighbors. The facilities shall be subject to inspection by the department.

k. Organizations with an approved Rescue Group License who are temporarily housing pets (less than 4 months) with the intent to rehome pets elsewhere may exceed the minimum number of pets as long as they follow requirements required for those with an excess animal permit, and are registered with the City.

(1972 Code, sec. 4.318; 2008 Code, sec. 2.01.012)

#### **Sec. 2.01.014      Operation of kennel**

(a) Anyone deemed operating a kennel under section 2.01.013 of this chapter shall be subject to obtaining a license from the city on a yearly basis. Such license shall be given by the city after inspection by the public health official of the city or the animal control officer and payment of the required fee in accordance with Appendix A of this code as amended or revised by ordinance from time to time.

(b) No kennels shall be maintained in a household or within a neighborhood. If a kennel be maintained in a household, the animal control officer shall have the authority to impound such number of animals over the limit laid out in section 2.01.013 of this chapter. Impoundment will remain in effect until either the passage of applicable time as set out in Section 2.02.001 of this chapter or until the owner or person in control of the property becomes in compliance with this chapter. Which animals are to be impounded shall be at the total discretion of the animal control officer.

(c) If such kennel be maintained in a place of business, the owner or person in control of the business must comply with the licensing requirement under this chapter on or before the last day of January each year. If request is made of the city to open a business which would operate or house a kennel as defined in section 2.01.013

licensing shall be mandatory prior to the granting of a certificate of occupancy. In cases of noncompliance with city licensing guidelines, the public health official or the building inspector of the city has the right to revoke the certificate of occupancy. In addition, the animal control officer has the authority to impound any animals kept on such noncomplying premises.

(d) The exterior of a commercial boarding kennel area shall be completely fenced or otherwise enclosed to prevent animals from leaving the premises.

(e) Runs shall be constructed to effectively enclose the animals housed therein. Construction shall permit ready observation and handling of the animals and promote ease of cleaning. Runs and exercise areas having gravel or other non-permanent surface materials shall be sanitized a minimum of once in each 24-hour period and more frequently as may be necessary by removal of soiled materials and application of suitable disinfectants and replacement with clean surface materials.

(f) All primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and exclude other animals. They shall be constructed and maintained to enable the animals contained therein to remain dry and clean and to permit regular and effective cleaning. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation conditions.

(g) Group housing is permitted for animals that are compatible. Adequate space shall be permitted to allow freedom of movement and comfort.

(h) All animals that are known to be exposed to or show symptoms of having infectious or contagious diseases shall not be transferred to any person other than the owner of the animal or licensed veterinarian.

(i) A commercial boarding kennel shall not accept a dog for boarding without first obtaining a copy of the dog's immunization record or veterinarian receipt showing that the animal has a current rabies vaccination certificate and been vaccinated against canine distemper, hepatitis, para influenza, and canine parvovirus in accordance with standard veterinary practices. A commercial boarding kennel shall not accept a cat for boarding without first obtaining a copy of the cat's immunization record or veterinarian receipt showing that the cat has a current rabies certificate and been vaccinated against feline panleukopenia, viral rhinotracheitis, and calici virus in accordance with standard veterinary practices. Puppies and kittens less than four (4) months of age are exempt from the rabies vaccination requirement. Commercial boarding kennels possessing federal certification of non-profit status (IRS 501(c)(3)) are exempt from this requirement.

(j) It is the responsibility of the permittees, except for those exempted from the payment of commercial boarding kennel fees, to be able to prove at any time that all dogs and cats on the premises which are over four (4) months of age are currently vaccinated against rabies.

(k) All animals shall be supplied with sufficient food during each 24-hour period and more often if the physiological needs of the animal require it. Each animal shall have access to fresh potable water at all times.



(l) Precautions shall be taken to ensure that animals are not teased, annoyed, or made to suffer by any persons or means.

(1972 Code, sec. 4.319; 2008 Code, sec. 2.01.013; Ordinance adopting 2017 Code)

**Sec. 2.01.015      Keeping animals other than dogs, cats or horses**

(a) Vicious animals prohibited. No person shall keep on his premises a vicious animal.

(b) Running at large prohibited. It shall hereafter be unlawful to allow chickens, ducks, geese, rabbits or other food or farm animals to run at large inside the city limits. It is recommended that the owner keep such animals inside a predator resistant shelter or enclosure from dusk until dawn to reduce the occurrence of predation.

(c) An owner of fowl must comply with the following:

1. The owner must have adequate facilities to house the domestic fowl and ensure adequate sanitation as detailed in Sec. 2.01.017.
2. All domestic fowl must have access to a coop and run.
3. The domestic fowl must be kept in a manner that does not allow them to create a nuisance.
4. Roosters, as defined in Sec 2.01.001, are not allowed within the City limits of Leon Valley.

(d) A miniature pig must be kept indoors and must be spayed or neutered. Owner must have proof of spay or neuter.

(1972 Code, sec. 4.320; 2008 Code, sec. 2.01.014)

**State law reference**-Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, sec. 215.026(b).

**Sec. 2.01.016      Keeping wild or dangerous animals**

No person shall keep or harbor on their premises any wild or dangerous animal. This prohibition does not apply to a traveling circus, pet shop or zoological garden under competent and sanitary supervision as determined by the animal control officer. (1972 Code, sec. 4.322; 2008 Code, sec. 2.01.015)

**State law reference**-Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

**Sec. 2.01.017      Removal of animal waste; sanitation standards**

(a) Every owner or handler of any animal shall promptly, in a sanitary manner, remove and dispose of excreta deposited by their animal on any public or private property not owned or occupied by the animal's owner or handler. (Ordinance 10-043 adopted 10/19/10; 2008 Code, sec. 2.01.016)

(b) An animal owner shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container and implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon. If it is found that a person intentionally, knowingly or recklessly violated this provision, then upon conviction a person shall be fined an amount in accordance with Section 1.01.009 of this code.

(c) Any person keeping pens, hutches, or houses or any enclosure in which fowl, rabbits or guinea pigs are kept must keep the premises in a clean and sanitary condition at all times so as not to produce a nuisance odor.

(d) No animal owner shall allow the accumulation of animal waste on any premises in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on any adjacent property not owned or controlled by the subject animal's owner, or which creates a condition conducive to the breeding of flies or other pests.

(e) The accumulation of animal waste on any premises so as to create a stench or harborage for flies or other pests is hereby declared to be a public nuisance. Upon delivery of a written "Notice to Clean" by the department of health, animal control officers, development services or their representatives, an animal owner or any adult occupant of the premises identified in said notice shall abate the therein described public nuisance on the premises within twenty-four (24) hours. Delivery shall be accomplished either by hand to the animal owner or keeper or any adult occupant of the residence, or by posting in a conspicuous place on the main entrance fence gate of the premises or main entrance door of the structure on the premises, or by certified mail, return receipt requested.

(f) The director of health, the director of animal control and the director of development services or their designees are separately authorized and empowered to enforce the provisions of this section, and may summarily abate and remove any immediate public health and safety hazard due to the presence of animals by declaring the conditions to be an immediate public health hazard and public nuisance, and shall execute an administrative order that the premises be cleaned to city health code standards by the city or its contractor within twenty-four (24) hours. All three (3) said directors are each individually authorized to petition a justice or municipal court for a court order for the seizure of a particularly described animal or all animals kept on the subject premises to be impounded and cared for as abused or neglected animals pending a hearing before the court in accordance with V.T.C.A., Health and Safety Code § 821.022.

### **Sec. 2.01.018      Trap, Neuter, and Return (TNR) Program**

(a) Feral Cats Include the Following:

1. Cats born and raised in the wild
2. Cats who have been abandoned or lost and turned to wild ways in order to survive
3. While some feral cats tolerate a bit of human contact, most are too fearful to

be handled

4. Feral cats often live in groups called colonies, and take refuge wherever they find food

(b) The City of Leon valley established a TNR program in December 2013. The program is designed to:

1. Humanely trap (with box traps) feral cats from throughout the community;
2. Bring the feral cat to a veterinarian to be spayed or neutered, and vaccinated;
3. Mark the cat as part of the TNR program by a eartip (the universal sign that a community cat has been neutered and vaccinated);
4. Return the feral cat to a location near where it was trapped.

(c) A cat colony may not be larger than three feral cats in a residential area, and four feral cats in a business area. Business areas include apartment complexes. Any additional cats may be removed by a citizen or an Animal Control Officer.

(d) Feral cats who become a nuisance or damage others property may be humanely removed by the owner of said property at their own expense.

(e) A permit to maintain a feral cat colony may be obtained through the City of Leon Valley. A permit may be issued to a resident or business owner within Leon Valley.

1. Each cat colony permit will require the colony to be registered by the caretakers with the city who will serve as a clearinghouse for information on current caretakers, education for new caretakers, and assistance for persons found in violation of this section

2. The caretaker must own, manage, lease or have the written authorization before a property is given a feral cat colony permit.

3. Caretakers of feral cat colonies shall obtain a cat colony permit and implement proper management and sterilization practices as required by the dept.

4. Any person or caretaker determined to be in violation of proper management and sterilization practices required by the department shall be issued a written warning and be allowed a period of time to come into compliance. That period of time shall not exceed thirty (30) days from issuance of the initial warning notice

5. Failure to comply shall result in a violation of this chapter, which may result in the issuance of a citation

6. The department has the right to immediately seize and remove all, or parts of any colony for the following reasons:

a. Public health and public safety concerns including rabies, other epizoonotic and certain zoonoses identified by the department of health.

b. Animals creating a public nuisance

c. Number of feral cats exceed permitted number in ordinance

**Sec. 2.01.019          Barn Cat Program**

- (a).    The City may work with other municipalities in rural area of the region to release feral or unclaimed cats on farms and ranches.
- (b)    There is no charge for placing of the animals with other municipalities.

**Sec. 2.01.020          Cruelty to animals**

- (a)    It shall be a violation of this Code for a person to intentionally, knowingly or recklessly beat, cruelly treat, overload or otherwise abuse any wild living creature anywhere in the city.
- (b)    Animal care officials shall utilize the authority granted by V.T.C.A., Health and Safety Code § 821.022 to seize and impound any animal that has been or is being cruelly treated. If the investigating animal care officer or cruelty investigator has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any justice of the peace of Bexar County, Texas or any municipal court judge on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.
- (c)    It shall be a violation for any person to engage in dubbing.

**Sec. 2.01.021          Killing animals in a public place**

It shall be unlawful for any person to wound or kill any cattle, horse, sheep, swine or goats of any description, whether wild or domestic, in any public place within the city. As long as it can be done safely and humanely, a law enforcement officer called to investigate an injured animal may destroy an animal that is suffering.

**Sec. 2.01.022          Standard of care**

An owner, keeper or temporary owner of an animal is required to provide his animals with humane care and treatment as follows:

- (1) Access to an adequate supply of fresh air;
- (2) Food;
- (3) Fresh water;
- (4) Shelter, as defined by this Code; and
- (5) Veterinary care when needed to prevent suffering.

**Sec. 2.01.023 Prohibiting giving away animals as prizes or inducements**

It shall be unlawful for any person to give away, or offer to give away, any live animal as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

**Sec. 2.01.024 Prohibiting selling animals on roadside, garage sales, flea markets and festivals**

(a) It shall be unlawful for any person to sell, trade, barter, lease, rent, or give away, any animal on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place.

(b) It shall be unlawful for any manager, operator or property owner to allow the conduct described in subsection (a).

(c) This section shall not apply to any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals that have an active rescue group license.

(d) Any animal being sold, traded, bartered, leased, rented, or being given away on any roadside, public right-of-way, commercial parking lot, garage sale, flea market, festival, park, community center or outdoor public place shall be subject to seizure and impoundment at the discretion of the investigating animal care officer. Upon impoundment, a notice of violation will be provided to the animal owner. Animals impounded under this section may be reclaimed by the owner within five (5) days excluding the day of impoundment and any days the animal care services facility is not opened. Animals not reclaimed within this period shall thereafter become the property of the city and be subject to adoption, rescue, foster or humanely euthanized at the discretion of the department. Applicable impoundment fees for each animal reclaimed shall be paid prior to the animal being released to the owner.

**Sec. 2.01.025 Exposing animals to poisonous substances**

(a) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; except that it shall not be unlawful for a person to expose, on his own property or with permission of the property owner, commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions.

(b) It shall be sufficient to constitute a violation under this section that the poisonous substance was attractively exposed by such person in such a manner that the same may have been eaten, or was in fact eaten, by any warm-blooded animal or human; no intent or further culpable mental state shall be required to prove a prima facie violation.

### **Sec. 2.01.026 Safety of animals in motor vehicles**

(a) No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

(b) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal care officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered, and said neglected or endangered animal shall be impounded.

### **Sec. 2.01.027 Pet shop requirements**

(a) No person shall operate any pet shop as defined in this chapter, without first obtaining a license from the department who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, birds or reptiles housed, and related zoning requirements. The department shall inspect and evaluate the qualifications of applicants.

(1) Applications for an original or renewal pet shop license shall be submitted to the department and shall be approved or denied by the department. The department shall investigate the applicant's qualifications for a license. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation of a license.

(2) Failure to apply for a license prior to the opening of such a commercial animal facility, or within thirty (30) days after the renewal date, shall constitute a misdemeanor offense.

(3) Each pet shop license shall be valid for one (1) year.

(b) Dogs and cats shall be removed from their primary enclosures at least twice during each 24-hour period and exercised unless the primary enclosure is of sufficient size to conduct an exercise regimen needed by the animal for good health. All animals shall be able to stand, stretch, and turn without touching any of the four (4) sides or top of their primary enclosure. Group housing of compatible animals is allowed if the space prevents crowding and allows for easy removal of animal waste, and the unhampered movement and comfort of each animal. Sick, diseased, and injured animals shall be kept isolated and taken to a veterinarian on the day of discovery for veterinary care or euthanasia.

(c) All pet shops and stores selling animals, birds, reptiles and fish shall:

(1) Take care to house animals in a sanitary manner;

(2) Provide appropriate medical services, care, and housing according to individual species' needs;

(3) Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the department) against common disease in accordance with standard veterinary practices; in the case of dogs, against canine distemper, adeno-virus para influenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleukopenia; and

(4) Not offer any puppy or kitten under the age of eight (8) weeks for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the department, or any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the department).

(d) Animal enclosures shall be cleaned of debris and fecal matter at least once every twenty-four (24) hours. Sanitizing of dog and cat enclosures shall be done once every day by washing the surfaces with water and either soap or detergent, or by the use of a pressure water system or steam cleaner all of which shall be followed by the application of a safe and effective disinfectant. The exercise and run areas having pea gravel or other non-permanent surface materials shall be thoroughly cleaned at least every twenty-four (24) hours and more frequently if necessary, by removal of soiled materials and application of suitable disinfectants followed by the replacement of clean surface materials when necessary.

(e) It shall be unlawful for a pet shop owner, operator, manager, or employee to sell, trade, transfer, barter, give away, maintain, or act as a dealer or agent between a buyer and seller of any prohibited animal as defined by this chapter.

(f) All cats and dogs taken into a pet shop facility for resale shall be checked no later than seventy-two (72) hours from the date the dog or cat is taken into the pet shop for internal and external parasites, unless documentation is provided indicating the animal has had a veterinary exam within the past thirty (30) days and is free of internal and external parasites. Any animal exhibiting any signs of parasites shall be promptly treated, and medical records maintained for each animal. Any animal exhibiting signs of any infectious or contagious disease including, but not limited to canine distemper, adeno-virus parainfluenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, feline rhinotracheitis, and panleukopenia, will be immediately isolated and given adequate veterinary care. Complete records of veterinary care will be kept and delivered to the purchaser upon the sale of the animals. The department of health or animal care services may restrict the sale of any animal(s) suspected of being diseased or otherwise unfit for sale and may require that said animal(s) be examined within twenty-four (24) hours by a licensed veterinarian. The permit holder shall reimburse the enforcing agency's veterinary fees if the veterinarian concludes that the animal is unfit

for sale at the time of the examination.

(g) The pet shop permit holder shall furnish a purchaser a written statement at the time of sale which shall include:

- (1) Date of sale;
- (2) Name, address and telephone number of purchaser and permit holder;
- (3) Permit number of permit holder;
- (4) Breed, description, approximate age and sex of dog, cat or other animal sold (small mammals, parrot-type birds, and fish not included);
- (5) Medication and prophylactic immunization and dates administered;
- (6) Internal parasite medication(s) and date(s) administered;
- (7) A guarantee of good health for a period of not less than two (2) weeks with recommendation to have the animal examined by a licensed veterinarian. The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale. All purchasers of dogs, cats and ferrets shall also be furnished with information as to the requirements of ownership of these animals within the city including requirements for rabies vaccination, litter permits, and microchipping.

(h) Records shall be maintained in good auditable condition and surrendered to the department upon request and without reservation or purpose of evasion. Failure to produce such records upon demand by the department shall be cause for the revocation of an existing license and the refusal to issue a new license for a period of up to two (2) years.

#### **Sec. 2.01.028 Grooming shop license**

(a) No person shall operate any grooming shop, as defined in this chapter, without first obtaining a license from the department who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, and related zoning requirements. The department shall inspect and evaluate the qualifications of applicants.

- (1) Applications for an original or renewal grooming shop license shall be submitted to the department and shall be approved or denied by the department. The department shall investigate the applicant's qualifications for a license. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation.
- (2) Failure to apply for a license prior to the opening of such a commercial animal facility, or within thirty (30) days after the renewal date, shall constitute a misdemeanor offense.
- (3) Each grooming shop license shall be valid for one (1) year.



(b) A permit holder has the right to request that any dog or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.

#### **Sec. 2.01.029 Fastening animals**

(a) No animal shall be hitched, tied or fastened by any tying device (to include a pulley system) and must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. The collar or harness must have been specifically designed to be used for the animal being tethered. The tying device (to include pulley systems) shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and must have a swivel device on the anchor and collar end to prevent tangling. The tying device (to include a pulley system) must provide at least one hundred fifty (150) square feet of unobstructed space.

(b) An owner may not tether an unattended animal outside by use of a restraint that is composed primarily of a chain, has weights attached or is not attached to a properly fitted collar or harness.

(c) No person shall tether their dog using a collar exceeding one and one-half (1½) inches wide for any dog weighing less than sixty (60) pounds. Dogs weighing sixty (60) pounds or more shall not be tethered using a collar exceeding two (2) inches in width. The collar must be adjusted to provide at least the circumference of the animal's neck plus one (1) inch.

(d) An animal that is tethered must have access to adequate shelter, clean water, dry ground and shade from direct sunlight at all times.

(e) A person shall not tether an animal with a tying device that weighs more than one-tenth (1/10) of the animal's body weight.

(f) No person shall tether a puppy, sick or injured animal or a female dog while the dog is in estrus.

(g) In accordance with the Texas Health and Safety Code, an owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit; a heat advisory has been issued by a local or state authority or jurisdiction; or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

#### **Sec. 2.01.030 Unlawful acts; criminal penalties; civil remedies**

(a) Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined an amount in accordance with Section 1.01.009 of this code.

(b) Nothing in this section shall limit any and all other criminal, civil or administrative remedies available to the city in seeking to enforce the provisions of this chapter. Each

day's violation thereof shall constitute a separate offense.

(c) Where it is deemed necessary by the city manager and the director, the city attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

## **ARTICLE 2.02 IMPOUNDMENT**

### **Sec. 2.02.001 Authorized; holding period**

(a) At his option, the animal control officer or a police officer may, in lieu of or in addition to issuing a citation, gather up or cause to be gathered up all animals found running at large within the city limits and impound the same.

(b) Cats running at large, whether owned or unowned, and dogs running at large or not under constant control of, or by, the owner by means of a leash strong and sufficient enough to control its actions, whether or not outside the boundaries of the real property of the owner, may be impounded by the city animal control officer or a police officer, and may be impounded for not over seventy-two (72) hours in the temporary holding cages of the city, or may be taken directly to the animal shelter or the city veterinarian.

(c) Impounded dogs or cats may be released ~~only~~ to their owners, if identified and redeemed, only if the owner presents a receipt for city charges accrued by the animal control facility. Tagged animals will be kept impounded for a total of five (5) days and untagged animals will be kept impounded for a total of three (3) days. After the impoundment expires, unregistered or unredeemed dogs or cats may be euthanized, adopted out to a qualified person, or sold to anyone for use as a pet. Whoever adopts the dog or cat must have the animal vaccinated for rabies and purchase a city animal license at the time of purchase.

(c) Animal care officers or other law enforcement officers shall have the power to impound animals which create an animal nuisance for the purpose of abating the nuisance as follows:

(1) On public property, in all cases;

(2) On private property, if:

i. The consent of the resident or property owner is obtained;

ii. The officer reasonably believes there is immediate and imminent danger or peril to the public if the animal in question is not impounded; or

iii. Authorized by appropriate courts of law.

(d) The department may order the seizure and impoundment of any abandoned animal as defined in this chapter. A trap, neuter and return (TNR) program that has been registered with the department shall not constitute a violation of this section.

(e) Animal care officers or other law enforcement officers authorized to abate a nuisance, shall, prior to impounding an animal, leave notice at the residence of the premises where the unrestrained animal was found stating the kind and type of animal seized, the place where the animal is to be impounded, the hours when it may be reclaimed by the owner and the length of time it is to be held; provided the animal care officers or other law enforcement officers shall:

- (1) Release the animal to the owner, if the animal was found unrestrained on the owner's premises and the owner agrees to restrain the animal in the future, or
- (2) Release the animal to the owner if the animal was found unrestrained outside the owner's premises, but the owner readily presents himself and agrees to restrain the animal in the future.

(1972 Code, sec. 4.303; 2008 Code, sec. 2.02.001)

#### **Sec. 2.02.002 Release of impounded animal to owner; fees**

(a) Owners of impounded dogs or cats will contact the city to obtain a receipt for presentation to the animal control facility before their animal can be released from impoundment. The animal control officer shall mark the receipts to indicate that all requirements of this chapter have been met, including but not restricted to the following:

- (1) Citing the owner for any violation of this chapter, at the discretion of the animal control officer or police department;
- (2) Payment to the city for keeping the animal and notifying the owner;
- (3) Proof of vaccination and registration as prescribed in this chapter;
- (4) A total receipt will be furnished to the owner listing the items of services, as applicable to the owner.

(b) Vaccination for rabies and other treatment by the city veterinarian will be charged for at the current mutually agreeable rate set by agreement between the city and the city veterinarian. All impoundment fees are to be paid directly to the city. An authorized city employee will ascertain total charges in each instance for administrative fees.

(c) The animal impound facility will send the city an itemized statement each month for services and supplies expended on impounded animals. The statement will be reconciled with the monthly report of animal control activities and registration fees.

(1972 Code, sec. 4.306; 2008 Code, sec. 2.02.002)

#### **Sec. 2.02.003 Notice to owner; payment of fees**

(a) If the owner of an impounded animal can be identified, the animal control officer shall immediately, upon impoundment, attempt to notify the owner at the address listed on the most recent city animal license application, or the address as determined by a scanned registered microchip. If the dog or cat owner is unknown, or if the owner

cannot be contacted, the animal control officer shall keep a written list of all impounded animals, describing the dog or cat so impounded, and the location at which such animal was impounded. Animals shall remain on this list until such time as the redemption period is past for unclaimed animals.

(b) The owner may reclaim such dog or cat upon payment of fees as listed in Section 2.02.002 and the fee schedule in Appendix A of this code as amended or revised by ordinance from time to time. The owner is responsible for all impoundment fees, whether or not the animal is reclaimed. Notice of failure to pay shall be given to the owner by certified mail or by posting notice on the owner's last known address. Failure by the owner to pay all fees due to the city will result in civil or criminal actions against the owner.

(c) The owner of an animal impounded by the department must pay the costs of care of the animal while it is in the custody of the department prior to the release of the animal to the owner. Reasonable expenses for this care include, but are not limited to the cost of housing, feeding, emergency veterinary medical care, immunizations and routine veterinary medical care of the animal.

(d) Any owner reclaiming an impounded animal shall, before the animal will be released to him, pay impoundment and boarding fees. The director is authorized to reduce or waive impoundment and/or boarding fees.

(e) No animal shall be released from the animal care services facility without the owner presenting proof that the animal has had a rabies vaccination in compliance with the requirements of state law. An owner of any dog or cat who cannot provide proof of said rabies vaccination shall be subject to a fee for rabies vaccination of each dog or cat. An owner of any domestic ferret who cannot provide proof of said rabies vaccination shall be subject to a fee for rabies vaccination of each domestic ferret.

(1972 Code, sec. 4.307; 2008 Code, sec. 2.02.003; Ordinance adopting 2017 Code)

#### **Sec. 2.02.004 Unclaimed animals**

(a) Impounded animals with tags or registration shall be kept for a minimum of five (5) days, excluding the day the animal is impounded and any days the animal control services facility is not opened, and thereafter may be adopted, rescued, fostered, or humanely euthanized at the discretion of the department. Notwithstanding the above, animals that are untagged, unregistered, and have no microchip may be adopted, rescued or fostered after being held for three (3) days excluding the day the animal is impounded and any days the animal care services facility is not opened.

(b) Animals may be adopted, rescued, fostered, sold, or humanely euthanized prior to the time periods referenced above in the following circumstances:

- (1) The owner of the animal releases ownership of the animal to the city;
- (2) If a licensed veterinarian or designee determines an impounded animal is suffering from disease or injury such that the animal is in pain or is beyond

reasonable medical help, the animal may be euthanized immediately;

(3) Due to their immature immune system, any abandoned animal under four (4) months of age shall become the property of the city upon delivery to the animal control services facility, for disposition at the discretion of the department.

(c) The department may sell unclaimed livestock found running free of restraint by public auction to the highest bidder for cash after notice of the auction is posted on a public bulletin board where other public notices are posted for the city.

(1972 Code, sec. 4.308; 2008 Code, sec. 2.02.004)

## **ARTICLE 2.03 RABIES CONTROL**

### **Sec. 2.03.001 Required vaccination**

An owner of a dog, cat or domestic ferret must have the animal vaccinated against rabies in a manner that satisfies the requirements of state law.

### **Sec. 2.03.001 Reporting, bites, scratches; zoonotic diseases**

(a) A veterinarian or person having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting zoonotic disease (rabies), or of an animal that the person suspects is rabid, shall report the incident or animal to the animal control officer within three (3) days. The report shall include the name and address of any victim and the owner of the animal, if known, and any other data which may aid in the locating of the victim or the animal. The owner of an animal that is reported to be rabid or to have exposed an individual to zoonotic disease shall submit the animal for quarantine with the city veterinarian. The animal control officer shall investigate all reports filed under this section. (1972 Code, sec. 4.309; 2008 Code, sec. 2.03.001)

(b) The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give their name and address together with the animal's registered microchip information and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner shall notify the director within twenty-four (24) hours of his name; the animal's registered microchip information; the name of the injured person; and other information requested by the director related to the animal and injured party.

(c) If the animal control officer is present, the owner/keeper shall immediately surrender the animal. If an animal control officer is not present and the owner/keeper does not surrender the animal within twenty-four (24) hours of the incident occurring, the director or any appointed animal control officer shall seize and impound any animal for rabies observation upon the sworn affidavit of any person with knowledge that the animal has bitten a person. An administrative search warrant shall be obtained from any municipal court judge or other magistrate to enter onto private property to search for the biting

animal if permission to enter is not given.

**State law reference**-Reports of rabies, V.T.C.A., Health and Safety Code, sec. 826.041.

### **Sec. 2.03.002 Quarantine of suspected zoonotic (rabid) animals**

(a) The animal control officer shall quarantine for at least ten (10) days any domestic dog, cat, or domestic ferret that he has probable cause to believe is rabid or has exposed an individual to rabies. The owner may quarantine at their veterinarian or at their residence with the approval of the local health authority for the purposes of animal control.

(b) If it is determined by a veterinarian that a quarantined animal shows the clinical signs of the disease rabies, the veterinarian shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the veterinarian shall remove the head or brain of the animal and submit it to the nearest department of state health services laboratory for testing.

(c) If the authorized veterinarian determines that a quarantined animal does not show the clinical signs of rabies, he shall release it to the owner following the quarantine period if:

- (1) The owner has an unexpired rabies vaccination certificate for the animal; or
- (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

(d) The owner of an animal that is quarantined shall pay to the city the reasonable costs of the quarantine and disposition of the animal as provided in Section 2.02.002 of this chapter and the fee schedule in Appendix A of this code as amended or revised by ordinance from time to time. The animal control officer may sell and retain the proceeds or keep, grant or destroy any animal that the owner or custodian does not take possession of on or before the third day following the final day of the quarantine.

(e) The owner of any animal that has bitten or scratched any person shall be allowed to assume personal responsibility for confining the animal for the observation period of ten (10) days, only under the following circumstances:

- (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the director of the City of Leon Valley's Police Department or designee;
- (2) The animal was currently vaccinated against rabies when the exposure incident occurred;
- (3) The animal was not in violation of any laws or ordinances at the time of the bite; and
- (4) The director of the City of Leon Valley's Police Department or designee, city veterinarian or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the

observation period, the director of the City of Leon Valley's Police Department or designee must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing by the veterinarian who will attest to the health of the animal.

(f) If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be quarantined for observation by a veterinarian for the appropriate period as required by state law.

(g) Violation of the observation confinement of the biting animal as provided in subsection (e) shall be just cause for seizure and confinement of the animal in the facilities of the city.

(h) No animal shall be released from the observation period provided for in this article unless a licensed veterinarian certifies in writing to the director of the City of Leon Valley's Police Department or designee that such animal is not showing symptoms of rabies. Exemption from placing such animal in the city facility or in a veterinary hospital shall not exempt such owner from securing a proper release, as provided above.

(i) Where an animal has been bitten by another animal, and the biting animal described in this section is determined not to have rabies, then both animals will be released from observation. If the biting animal is determined to be rabid, and the animal victim is possessed of a current vaccination certificate, then the owner of the animal victim will have the option of immediately having the animal victim humanely euthanized, or, in the alternative, revaccinated and quarantined for a period of ninety (90) days. However, if the animal victim is not possessed of a current vaccination certificate, then the owner of said animal victim will have the option of immediately having said animal victim humanely euthanized, or, in the alternative, vaccinated and quarantined for a period of one hundred and eighty (180) days. Both quarantined periods shall be at the expense of the owner of the animal.

(j) All wild animals involved in exposure incidents including biting, scratching or any other direct exposure by physical contact will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(k) Any dog or cat that bites a person or domestic animal without provocation or a dog that bites a person or domestic animal while the dog was found free of restraint shall be required to be sterilized within thirty (30) days following the quarantine period. For pets impounded at the animal veterinary services facility, the director may require the sterilization surgery to be completed by the department at the owner's expense prior to its release back to the owner.

(1972 Code, sec. 4.310; Ordinance adopting 2008 Code; 2008 Code, sec. 2.03.002; Ordinance adopting 2017 Code)

**State law reference-**Quarantine of animals, V.T.C.A., Health and Safety Code, sec. 826.042; release or disposition of quarantined animal, V.T.C.A., Health and Safety Code, sec. 826.043.

### **Sec. 2.03.003 Area rabies quarantine**

- (a) If rabies is known to exist within an area, the city council may declare an area rabies quarantine.
- (b) Upon the declaration that a quarantine exists, the city council shall:
  - (1) Define the borders of the area quarantined; and
  - (2) Adopt permanent or emergency rules in accordance with the applicable provisions of the Administrative Procedure Act, as amended (V.T.C.A., Government Code, chapter 2001).
- (c) The area quarantine shall remain in effect for one hundred eighty (180) days following the last case of rabies diagnosed in a dog or cat, or other animal species responsible for declaration of the area quarantine, unless removed prior to that date by declaration of the city council.
- (d) Every person owning or keeping a dog or cat shall confine it securely on his premises during the quarantine period, unless such dog or cat has a muzzle of sufficient strength to prevent its biting any person. An unmuzzled dog or cat running at large during the quarantine shall be seized and impounded unless noticeably infected with rabies. All dogs or cats noticeably infected with rabies or displaying vicious propensities may be euthanized by the animal control officer or any police officer, without notice to the owner. Dogs or cats not infected with rabies but impounded during the period of such quarantine shall, if reclaimed within three (3) days, be released to the owner, upon payment of impounding charges provided in Section 2.02.002. If unclaimed after that period, such dog or cat may be summarily destroyed.

(1972 Code, sec. 4.311; 2008 Code, sec. 2.03.003)

**State law reference**-Area rabies quarantine, V.T.C.A., Health and Safety Code, sec. 826.045.

## **ARTICLE 2.04 REGISTRATION OF DOGS AND CATS**

### **Sec. 2.04.001 Required; expiration**

- (a) Dog and/or cat owners who are city residents shall, when and if the animal exceeds four (4) months of age, apply to the city for registration. The city, upon receiving proof of each animal's vaccination for rabies, will issue a numbered metallic tag to each approved dog or cat owner to be attached to each animal's collar. Records will be kept to assure that the animal's owner can be located from the tag's number. Animals belonging to persons in transit who do not or will not have resided for over thirty (30) consecutive days in the city are exempt from requirements for dog/cat registration and tags. However, owners will comply with other applicable provisions of this chapter.
- (b) Such registration will be valid until such time as the rabies vaccination expires. Renewal of the registration must be purchased when the animal is revaccinated against



rabies.

(c) No person shall use a certificate or tag for any dog or cat other than the one for which it was issued.

(1972 Code, sec. 4.312; Ordinance 03-004 adopted 4/1/03; 2008 Code, sec. 2.04.001)

#### **Sec. 2.04.002 Revocation**

(a) The animal control officer or his designate may revoke any dog or cat registration after a hearing for any one (1) or more of the following reasons:

- (1) Impoundment of a dog by the city more than three (3) times during a twelve-month period;
- (2) More than three (3) final convictions of a person for violating this chapter when such conviction relates to the dog/cat which is being considered for revocation of its registration;
- (3) Upon a determination that the dog or cat is a vicious animal, as defined by this chapter;
- (4) Refusal to admit the animal control officer or police officer onto the owner's premises for inspections or investigation of a complaint on premises wherein a violation is suspected;
- (5) Failure to restrain a female dog or cat in heat sufficiently to prevent contact with a male of the species, except where planned breeding is carried out;
- (6) Failure to exercise proper care and control of an animal in repeated instances of barking, chasing vehicles, attacking other animals or other nuisances;
- (7) Failure to keep premises sanitary and reasonably clean and free of excrement and free of any offensive odors due to animal keeping;
- (8) Cruelty to an animal, failure to provide proper veterinary care, failure to feed, water or properly shelter an animal, beating, tormenting, or otherwise abusing an animal; and/or
- (9) Intentionally abandoning an animal.

In addition to or in lieu of registration revocation, the above offenses shall constitute violations of this chapter.

(b) Upon revoking the registration of any animal, the animal control officer shall notify the owner of the animal of said action in writing. Written notification shall be deemed made when a certified letter, return receipt requested, addressed to the last known mailing address of the owner, is deposited in the United States mail.

(c) Upon the expiration of ten (10) days after written notification of revocation is deposited in the United States mail as provided above, no person shall keep, maintain or harbor within the city limits any dog which has had its registration revoked.

(1972 Code, sec. 4.313; 2008 Code, sec. 2.04.002)

### **Sec. 2.04.003 Fees**

Fees for registration are listed in

Section 2.02.002 of this chapter or in the fee schedule in Appendix A of this code as amended or revised by ordinance from time to time.

(1972 Code, sec. 4.314; 2008 Code, sec. 2.04.003; Ordinance adopting 2017 Code)

## **ARTICLE 2.05 DANGEROUS DOGS**

### **Sec. 2.05.001 Definitions**

The following definitions shall apply in the interpretation and enforcement of this article:

*Dangerous dog.* Shall be defined in accordance with V.T.C.A., Health and Safety Code chapter 822, § 822.041, as referenced below and shall be determined and regulated in accordance with said chapter. Dangerous dogs shall include incidents such as:

- (1) Makes an unprovoked attack on a person or another dog that causes bodily injury and that occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

*Dog.* A domesticated animal that is a member of the canine family.

*Owner.* A person who owns or has custody or control of the dog.

*Secure enclosure.* A fenced area that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the city.

*Unprovoked.* With respect to an attack or attempt to attack by a dog, the dog was not hit, kicked, or struck by a person with any object or part of the attacked person's body nor was any part of the dog's body pulled, pinched, or squeezed or in any other manner provoked by the person attacked.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.05.001)

**Sec. 2.05.002 Requirements for owner**

(a) An owner of a dog determined to be dangerous, must comply with all of the following ten (10) requirements within 30-days of notice, or when impounded before the subject dog can be released to the owner by the department. The department must, however, release the dog to the owner if a state licensed veterinarian with a facility located within the city verifies, upon being contacted by a city veterinarian or department, that the owner has arranged for the required surgery of the dangerous dog to comply with this article, and if necessary, a city veterinarian has implanted the required registered microchip in the dog, has inspected the residence where the dog is to be kept, and is satisfied that the following requirements which could have already been complied with have been complied with by the owner:

- (1) The dog must be registered with the department and shall annually obtain a dangerous dog permit;
- (2) The dangerous dog shall at all times wear a collar approved by the department visible at fifty (50) feet so that the dog can be identified as a dangerous dog. The department is authorized to charge the dog owner a fee to cover the cost of this collar;
- (3) The dangerous dog must be kept in an enclosure as defined by this chapter;
- (4) The owner must present to the department a certificate of public liability insurance in the amount of one hundred thousand dollars (\$100,000.00) to cover any injuries caused by the dangerous dog. The insurance shall be kept in effect continuously and shall not be cancelled unless the dog is no longer kept by the insured owner;
- (5) The dangerous dog, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the dangerous dog must be restrained by a sturdy leash six (6) feet in length. The department is authorized to charge the dog owner a fee to cover the cost of this leash;
- (6) The owner shall post a sign on his premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway;
- (7) If the dog does not have a registered microchip, the owner, at their expense, shall obtain one or authorize the department to implant a registered microchip beneath the skin of the dangerous dog for positive identification of the animal;
- (8) At the owner's expense, the dangerous dog must be spayed or neutered either by the department or, at the discretion of the department, by a veterinarian approved by the department prior to being released back to its owner;

(9) At the owner's expense, the owner must attend a class on responsible pet ownership conducted by an organization approved by the department within two (2) months after the determination; and

(10) The owner must allow an annual inspection of the residence where the dog is kept to ensure continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.

(b) If a person reports an incident described by Section 2.05.001 in the definition of a "dangerous dog," the animal control officer may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, he or she shall notify the owner of that fact.

(1) The complaint shall contain a description of the incident involving an alleged dangerous dog, as defined above, the date and location of the incident, the name of the owner of the dog, the address of the owner, and a description of the dog(s) involved in the incident. Said investigation may include discussing the incident with the owner/keeper of the dog. The owner/keeper of the dog shall have the right to provide an affidavit or statement concerning their dog.

(2) After receiving a sworn affidavit of complaint and upon making a decision that seizure is a reasonable precaution to ensure the health and safety of people nearby, the director may order the immediate seizure and impound of the dog. An administrative search warrant shall be obtained from the municipal court magistrate to enter onto private property to search for a dog which is allegedly dangerous or has been previously determined to be dangerous, if permission to enter the subject premises is denied by a person in lawful possession. If the dog cannot be safely approached, a tranquilizer projector may be used by department personnel. The cost of securing said dog(s) shall be borne by the owner. If a dog is determined to be dangerous, it will remain in confinement as directed by the director. A dog that has been determined to be dangerous cannot be released back to the owner until the owner is able to demonstrate their ability to comply with all the requirements for dangerous dogs as listed above in (a).

(3) An animal control officer may impound an alleged dangerous dog if the officer has cause to believe that a dog is dangerous as defined above.

(c) The department shall determine whether a dog is dangerous. Within five (5) working days after the dog is deemed dangerous, the department will notify the owner of the dog, of the dangerous dog determination and appeal rights by written notice. The notice shall include the reason for the allegation, and all requirements for owners of a dog determined to be dangerous.

(d) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to the municipal court. An owner may appeal the decision of the municipal court in the same manner as for other civil cases.

(e) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the animal control officer not later than the 15th day after the owner learns that the dog is a dangerous dog.

(f) If, on the application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided herein, that the owner has failed to comply with subsection (a) or (e), the court shall order the animal control officer to seize the dog and shall issue a warrant authorizing the seizure. The animal control officer shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(g) The owner shall pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dog.

(h) The court shall order the animal control officer to humanely destroy the dog if the owner has not complied with subsection (a) before the 16th day after the date on which the dog is seized or delivered to the animal control officer. The court shall order the animal control officer to return the dog to the owner if the owner complies with subsection (a) before the 15th day after the date on which the dog is seized or delivered to the animal control officer.

(i) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.

(j) For purposes of this article, a person learns that the person is an owner of a dangerous dog when:

(1) The owner knows of an attack described in Section 2.05.001 in the definition of a "dangerous dog";

(2) The owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog after a hearing on the matter; or

(3) The owner is informed by the animal control officer that the dog is a dangerous dog.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.05.002)

(k) If the owner of a dog determined to be dangerous is unable or unwilling to comply with the ownership requirements listed above at any time, the dog must be euthanized by an animal shelter, animal care agency, licensed veterinarian or the department.

### **Sec. 2.05.003      Hearing to determine compliance with dangerous dog requirements.**

(a) V.T.C.A., Health and Safety Code § 822.0423 provides that a municipal court may conduct a hearing to determine whether the owner of a dangerous dog has complied with the requirements for the owner of a dangerous dog.

(b) Upon an application from any person, the municipal court shall conduct a hearing to determine compliance with dangerous dog requirements.

(c) A municipal court judge shall conduct a hearing to determine whether the preponderance of the evidence supports the allegation that the owner has failed to comply with dangerous dog requirements.

(d) The municipal court judge shall be the finder of fact.

(e) At the conclusion of the hearing, if the municipal court judge finds that the owner has failed to comply with the dangerous dog requirements, the judge shall order the seizure of the dog in accordance with V.T.C.A., Health and Safety Code § 822.042.

(f) An owner or the person who filed the application for the hearing may appeal the decision of the municipal court in the manner provided for the appeal of cases from municipal court.

(g) The municipal court judge may compel the attendance of the applicant, any known witnesses, the dog owner against whom the application was filed, and the director or their representative who investigated. Any interested party, including the city attorney or an assistant city attorney, may present evidence at the hearing.

#### **Sec. 2.05.004 Appeal of dangerous dog determination.**

Appeal of a dangerous dog determination shall be in accordance with V.T.C.A., Health and Safety Code § 822.0421.

#### **Sec. 2.05.005 Notification of change of status; disposition of dangerous dog.**

The owner/keeper of a dangerous dog shall notify the department within twenty-four (24) hours if their dangerous dog is loose, unconfined, has attacked another animal, has attacked a person, or has died. A dog determined to be dangerous under this chapter shall not be offered for adoption, rescue or sale or be given away.

#### **Sec. 2.05.006 Registration**

(a) Animal control shall annually register a dangerous dog if the owner:

(1) Presents proof of liability insurance or financial responsibility, as required by Section 2.05.002 (a)(4), proof of current rabies vaccination, and proof of sterilization of the dangerous dog; and has a secure enclosure in which the dangerous dog will be kept that is inspected and approved by the animal control officer; and

(2) Pays an annual registration fee as provided in Appendix A of this code as amended or revised by ordinance from time to time.

(b) The animal control officer shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar. The collar must be of a distinctive color and design that identifies the dog as a dangerous dog.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall

notify the animal control officer for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee as provided in Appendix A of this code, the animal control officer shall issue a new registration tag to be placed on the dangerous dog's collar if the new owner is a resident of the city.

(d) An owner of a registered dangerous dog shall notify the animal control officer of any attacks the dangerous dog makes on any person or animal within twenty-four (24) hours of the attack.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.05.003; Ordinance adopting 2017 Code)

#### **Sec. 2.05.007          Attack by dog**

(a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(b) An offense under this section is a class C misdemeanor.

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by:

(1) A licensed veterinarian;

(2) Personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or

(3) Personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.05.004)

#### **Sec. 2.05.008          Violations**

(a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 2.05.002.

(b) It shall be a violation of this chapter for an owner or keeper to intentionally, knowingly, or recklessly fail to prevent a dangerous dog, from killing or wounding, or assisting in the killing or wounding of any domestic animal belonging to or in the possession of another person, or for an owner or keeper to fail to prevent a dangerous dog from attacking, assaulting, biting or otherwise injuring any person or assisting in the attack, assault, biting, or other injury of any person whether out of or within the enclosure of the owner or keeper, and whether or not such dangerous dog was on a leash or securely muzzled or whether or not the dangerous dog escaped without the knowledge or consent of the owner or keeper. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed as per this chapter.

- (d) It shall be a violation of this chapter for the owner or keeper of a dangerous dog to:
- (1) Fail to comply with any of the requirements of Sec. 2.05.002 of this code;
  - (2) Fail to notify the department of a change of status as set out in Sec. 2.05.005; or
  - (3) Fail to keep the dog confined at no cost to the city during the hearing process.
- (e) The provisions under this section shall not apply to any law enforcement agency where a dog is being used for law enforcement.
- (f) A rebuttable presumption shall exist that the owner or keeper knowingly allowed a dangerous dog to be kept in inadequate confinement in any criminal complaint filed under subsection (d).
- (g) An offense under this section is a misdemeanor, and any person who violates any provision of this article shall, upon conviction, be fined in accordance with Section 1.01.009 of this code.
- (h) An offense under this section is a class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this article.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.05.005)

#### **Sec. 2.05.009        Defenses**

- (a) It is a defense to prosecution under section 2.05.007 or Section 2.05.008 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.
- (b) It is a defense to prosecution under section 2.05.007 or Section 2.05.008 that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
- (c) It is a defense to prosecution under section 2.05.007 or Section 2.05.008 that the person is a dog trainer or an employee of a guard dog company under chapter 1702, Texas Occupations Code.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.05.006)

## **ARTICLE 2.06 DANGEROUS WILD ANIMALS**

### **Division 1. Generally**

#### **Sec. 2.06.001        Definitions**

In this article, the following words, terms and phrases shall have the meanings given in



this section:

**Animal registration agency.** The municipal or county animal control office with authority over the area where a dangerous wild animal is kept.

**Board.** The state board of health.

**Commercial activity.**

- (1) An activity involving a dangerous wild animal conducted for profit that is not inherent to the animal's nature;
- (2) An activity for which a fee is charged and that is entertainment using or an exhibition of the animal; or
- (3) The selling, trading, bartering, or auctioning of a dangerous wild animal or a dangerous wild animal's body parts.

**Dangerous wild animal.** A dangerous wild animal includes: a lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, wolf, jackal, baboon, chimpanzee, orangutan, gorilla, or and hybrid of an animal listed in this definition.

**Owner.** Any person who owns, harbors, or has custody or control of a dangerous wild animal.

**Person.** An individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.

**Primary enclosure.** Any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment, foundation, or hutch.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.001)

## **Sec. 2.06.002    Applicability**

This article does not apply to:

- (1) A research facility, as that term is defined by section 2(e), Animal Welfare Act (7 U.S.C. section 2132), and its subsequent amendments, that is licensed by the Secretary of Agriculture of the United States under that act;
- (2) An organization that is an accredited member of the American Zoo and Aquarium Association;
- (3) An injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;
- (4) An injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under subchapter C, chapter 42 [43], Parks and Wildlife Code;

(5) A dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:

(A) The animal is used as an integral part of the circus performances; and

(B) The animal is kept within this state only during the time the circus is performing in this state or a period not to exceed 30 days while the circus is performing outside the United States;

(6) A dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(7) A dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(8) A dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments and the regulations adopted under that act;

(9) A nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a class A or class B dealer's license issued by the Secretary of Agriculture of the United States under the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments; and

(10) A dangerous wild animal that is:

(A) Owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species; and

(B) An integral part of that species' survival plan.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.002)

### **Sec. 2.06.003 Offenses**

(a) A person commits an offense if the person violates Section 2.06.007 (a) or (b), Section 2.06.031 (a) or Section 2.06.034. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

(b) A person commits an offense if the person knowingly sells or otherwise transfers ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by this article.

(c) Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon

conviction a person shall be fined an amount in accordance with Section 1.01.009 of this code.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.003)

#### **Sec. 2.06.004 Liability insurance**

An owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000.00 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous animal.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.004)

#### **Sec. 2.06.005 Inspections**

An owner of a dangerous wild animal, at all reasonable times, shall allow the animal registration agency, its staff, its agents, or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this article.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.005)

#### **Sec. 2.06.006 Relocation or disposition of animal**

(a) An owner of a dangerous wild animal may not permanently relocate the animal unless the owner first notifies the animal registration agency in writing of the exact location to which the animal will be relocated and provides the animal registration agency, with respect to the new location, the information required by Section 2.06.032.

(b) Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify the animal registration agency in writing of the death, sale, or other disposition.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.006)

#### **Sec. 2.06.007 Attack by animal; escape of animal; liability**

(a) An owner of a dangerous wild animal shall notify the animal registration agency of any attack of a human by the animal within 48 hours of the attack.

(b) An owner of a dangerous wild animal shall immediately notify the animal registration agency and the local law enforcement agency of any escape of the animal.

(c) An owner of a dangerous wild animal that escapes are liable for all costs incurred in apprehending and confining the animal.

(d) An animal registration agency, a law enforcement agency, or an employee of an animal registration agency or law enforcement agency is not liable to an owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or the injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.007)

**Sec. 2.06.008 Powers and duties of board; caging requirements and standards**

(a) The board by rule shall establish caging requirements and standards for the keeping and confinement of a dangerous wild animal to ensure that the animal is kept in a manner and confined in a primary enclosure that:

- (1) Protects and enhances the public's health and safety;
- (2) Prevents escape by the animal; and
- (3) Provides a safe, healthy, and humane environment for the animal.

(b) An owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the board.

(c) An animal registration agency may approve a deviation from the caging requirements and standards established by the board, only if:

- (1) The animal registration agency has good cause for the deviation; and
- (2) The deviation:
  - (A) Does not compromise the public's health and safety;
  - (B) Does not reduce the total area of the primary enclosure below that which is established by the board; and
  - (C) Does not otherwise adversely affect the overall welfare of the animal involved.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.008)

**Sec. 2.06.009 Care, treatment and transportation**

(a) For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments and the regulations adopted under that act relating to:

- (1) Facilities and operations;
- (2) Animal health and husbandry; and
- (3) Veterinary care.

(b) An owner of a dangerous wild animal shall maintain a separate written log for each dangerous wild animal documenting the animal's veterinary care and shall make the log available to the animal registration agency or its agent on request. The log must:

- (1) Identify the animal treated;
- (2) Provide the date of treatment;
- (3) Describe the type or nature of treatment; or [and]
- (4) Provide the name of the attending veterinarian, if applicable.

(c) When transporting a dangerous wild animal, the owner of the animal, or a designated carrier or intermediate handler of the animal, shall comply with all transportation standards that apply to that animal under the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments or the regulations adopted under that act.

(d) A person is exempt from the requirements of this section if the person is caring for, treating, or transporting the animal for which the person holds a class A or class B dealer's license or a class C exhibitor's license issued by the Secretary of Agriculture of the United States under the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.009)

## **Secs. 2.06.022-2.06.030 Reserved**

### **Division 2. Certificate of Registration**

#### **Sec. 2.06.031 Required; fees**

(a) A person may not own, harbor, or have custody or control of a dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by an animal registration agency.

(b) A certificate of registration issued under this article is not transferable and is valid for one year after its date of issuance or renewal unless revoked.

(c) The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this article. A fee as set forth in the fee schedule in Appendix A of this code as amended or revised by ordinance from time to time will be charged to an applicant. The fees collected under this section may be used only to administer and enforce this article.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.031; Ordinance adopting 2017 Code)

#### **Sec. 2.06.032 Application**

(a) An applicant for an original or renewal certificate of registration for a dangerous wild animal must file an application with an animal registration agency on a form provided by the animal registration agency.

(b) The application must include:

(1) The name, address, and telephone number of the applicant;

(2) A complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the

identification of the animal;

(3) The exact location where each animal is to be kept;

(4) A sworn statement that:

(A) All information in the application is complete and accurate; and

(B) The applicant has read this article and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this article; and

(5) Any other information the animal registration agency may require.

(c) An applicant shall include with each application:

(1) The nonrefundable fee;

(2) Proof, in a form acceptable by the animal registration agency, that the applicant has liability insurance, as required by Section 2.06.004;

(3) A color photograph of each animal being registered taken not earlier than the 30th day before the date the application is filed;

(4) A photograph and a statement of the dimensions of the primary enclosure in which each animal is to be kept and a scale diagram of the premises where each animal will be kept, including the location of any perimeter fencing and any residence on the premises; and

(5) If an applicant holds a class A or class B dealer's license or class C exhibitor's license issued by the Secretary of Agriculture of the United States under the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments, a clear and legible photocopy of the license.

(d) In addition to the items required under subsection (c), an application for renewal must include a statement signed by a veterinarian licensed to practice in this state stating that the veterinarian:

(1) Inspected each animal being registered not earlier than the 30th day before the date of the filing of the renewal application; and

(2) Finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under this article.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.032)

### **Sec. 2.06.033 Denial or revocation; appeals**

(a) If the animal registration agency finds that an application for an original or renewal certificate of registration under this article does not meet the requirements of Section 2.06.032 or, after inspection, that an applicant has not complied with this article, the animal registration agency shall deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons for the denial.

(b) If the animal registration agency finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied

with this article, the animal registration agency shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.

(c) A person may appeal the denial of an original or renewal certificate of registration or the revocation of a certificate of registration to the municipal court not later than the 15th day after the date the certificate of registration is denied or revoked. Either party may appeal the decision of the municipal court to a county court or county court at law in the county in which the municipal court is located. The decision of the county court or county court at law may not be appealed.

(d) The filing of an appeal of the denial or revocation of a certificate of registration under subsection (c) stays the denial or revocation until the court rules on the appeal.

(Ordinance adopting 2008 Code; 2008 Code, sec. 2.06.033)

#### **Sec. 2.06.034 Display; filing with department of state health services**

(a) A holder of a certificate of registration shall prominently display the certificate at the premises where each animal that is the subject of the certificate of registration is kept.

(b) Not later than the 10th day after the date a person receives a certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the department of state health services. The department shall establish a procedure for filing a certificate of registration and shall charge a reasonable fee in an amount sufficient to recover the cost associated with filing a certificate of registration under this subsection.

#### **Section 2. Change to Appendix A Fees**

Appendix A Fee Schedule is hereby amended to add fees for the following permits:

Pet Grooming Licensing Permit Fee	\$100 Annually
Pet Kennel License Permit Fee	\$150 Annually
Pet Shop License Permit Fee	\$150 Annually

**Section 3.** All provisions of the Code of Ordinances of the City of Leon Valley codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Leon Valley codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.


**Section 4.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section 5.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.


**Section 6.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 19th day of November 2019.

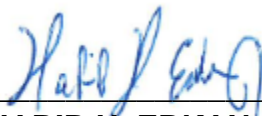
**APPROVED**

  
**CHRIS RILEY**  
MAYOR

Attest:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
**HABIB H. ERKAN, JR.**  
City Attorney

